

House File 2332 - Enrolled

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HOUSE FILE 2332

AN ACT

RELATING TO CHILD SUPPORT, INCLUDING PROCESSING AND DISBURSEMENT
OF SUPPORT PAYMENTS, MODIFICATION OF SUPPORT BASED UPON
PERMANENCY ORDERS OF THE JUVENILE COURT, INCOME WITHHOLDING
AND INFORMATION SHARING UNDER THE CHILD SUPPORT RECOVERY
PROGRAM, NONSUPPORT OF A CHILD OR WARD, PROVIDING FOR AND
MAKING CRIMINAL PENALTIES APPLICABLE, PROVIDING PENALTIES,
AND PROVIDING FOR APPLICABILITY AND RETROACTIVE
APPLICABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 252B.9, subsection 1, Code Supplement
2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Notwithstanding any provision of law
making this information confidential, data provided to the
department by an insurance carrier under section 505.25 shall
also be provided to the unit. Provision of data to the unit
under this paragraph shall not require an agreement or
modification of an agreement between the department and an
insurance carrier, but the provisions of this section
applicable to information received by the unit shall apply to
the data received pursuant to section 505.25 in lieu of any
confidentiality, privacy, disclosure, use, or other provisions
of an agreement between the department and an insurance
carrier.

Sec. 2. Section 252B.15, Code 2005, is amended by adding
the following new subsection:

NEW SUBSECTION. 3. Chapter 556 shall not apply to
payments received by the collection services center.

Sec. 3. NEW SECTION. 252D.16A INCOME WITHHOLDING ORDER
== CHILD SUPPORT RECOVERY UNIT.

If support payments are ordered under this chapter, chapter
232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any
other applicable chapter, or under a comparable statute of a
foreign jurisdiction, and if income withholding relative to
such support payments is allowed under this chapter, the child
support recovery unit may enter an ex parte order notifying
the person whose income is to be withheld of the procedure to
file a motion to quash the order for income withholding, and
ordering the withholding of sums to be deducted from the
delinquent person's income as defined in section 252D.16
sufficient to pay the support obligation and requiring the
payment of such sums to the collection services center. The
child support recovery unit shall include the amount of any
delinquency and the amount to be withheld in the notice
provided to the obligor pursuant to section 252D.17A. Notice
of income withholding shall be provided to the obligor and to
the payor of income pursuant to sections 252D.17 and 252D.17A.

Sec. 4. Section 252D.17, subsection 8, Code 2005, is
amended to read as follows:

8. If the payor knowingly, with actual knowledge and
intent to avoid legal obligation, fails to withhold income or
to pay the amounts withheld to the collection services center
or the clerk of court in accordance with the provisions of the
order, the notice of the order, or the notification of payors
of income provisions established in section 252B.13A, the
payor commits a simple misdemeanor for a first offense and is
liable for the accumulated amount which should have been
withheld, together with costs, interest, and reasonable
attorney fees related to the collection of the amounts due
from the payor. For each subsequent offense prescribed under
this subsection, the payor commits a serious misdemeanor and
is liable for the accumulated amount which should have been
withheld, together with costs, interest, and reasonable
attorney fees related to the collection of the amounts due
from the payor.

Sec. 5. Section 252D.18, Code 2005, is amended by adding
the following new subsection:

NEW SUBSECTION. 1A. The child support recovery unit may
modify an amount specified in an income withholding order or

4 notice of income withholding by providing notice to the payor
of income and the obligor pursuant to sections 252D.17 and
252D.17A.
Sec. 6. Section 505.25, Code Supplement 2005, is amended
to read as follows:
505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE AND
HAWK=I PROGRAMS AND THE CHILD SUPPORT RECOVERY UNIT.
A carrier, as defined in section 514C.13, shall enter into
a health insurance data match program with the department of
human services for the sole purpose of comparing the names of
the carrier's insureds with the names of recipients of the
medical assistance program under chapter 249A, individuals
under the purview of the child support recovery unit pursuant
to chapter 252B, or enrollees of the hawk=i program under
chapter 514I.
Sec. 7. Section 598.21C, subsection 1, paragraph k, Code
Supplement 2005, is amended to read as follows:
k. Entry of a dispositional or permanency order in
juvenile court pursuant to chapter 232 placing custody or
physical care of a child with a party who is obligated to pay
support for a child. Any filing fees or court costs for a
modification filed or ordered pursuant to this paragraph are
waived.
Sec. 8. Section 726.5, Code 2005, is amended to read as
follows:
726.5 NONSUPPORT.
A person, who being able to do so, fails or refuses to
provide support for the person's child or ward under the age
of eighteen years for a period longer than one year or in an
amount greater than five thousand dollars commits nonsupport;
provided that no person shall be held to have violated this
section who fails to support any child or ward under the age
of eighteen who has left the home of the parent or other
person having legal custody of the child or ward without the
consent of that parent or person having legal custody of the
child or ward. Support, for the purposes of this section,
means any support which has been fixed by court order, or, in
the absence of any such order or decree, the minimal
requirements of food, clothing or shelter. Nonsupport is a
class "D" felony.
Sec. 9. CHILD SUPPORT RECOVERY UNIT REPORT ON EFFECTS OF
NONSUPPORT PROVISION. The child support recovery unit shall
submit a report to the governor and the general assembly by
January 15, 2007, regarding the effects of section 726.5, as
amended in this Act. The report shall include, for the period
of July 1, 2006, through January 1, 2007, the total number of
individuals who met the elements of nonsupport under section
726.5 and could have been charged with nonsupport, the number
of individuals actually charged and prosecuted under section
726.5, and any increase in compliance with payment of support
attributable to section 726.5, as amended in this Act.
Sec. 10. APPLICABILITY. The section of this Act amending
section 598.21C applies to permanency orders entered by the
juvenile court on or after July 1, 2006.
Sec. 11. RETROACTIVE APPLICABILITY == AMENDING RULES. The
sections of this Act creating section 252D.16A and amending
section 252D.18 are retroactively applicable to support orders
and income withholding orders entered or pending before July
1, 2006. Until the department of human services amends rules
pursuant to chapter 17A to conform to those sections of this
Act, any existing rule regarding an amount to be withheld or
an amount of a delinquency in an income withholding order
shall be interpreted to also mean that the unit may specify
such an amount in a notice of income withholding in lieu of an
income withholding order. Any existing rule providing a right
to contest a new or modified income withholding order through
the unit shall be interpreted to also mean a right to contest
each notice of income withholding which specifies a new or
modified total amount to withhold.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and

5 15 is known as House File 2332, Eighty=first General Assembly.
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5 19 _____
5 20 MARGARET THOMSON
5 21 Chief Clerk of the House
5 22 Approved _____, 2006
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5 24 _____
5 25 THOMAS J. VILSACK
5 26 Governor